

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE ORLANDO L. GARCIA
DISTRICT COURT JUDGE

APPEARANCES:

For the Government: RUSSELL LEACHMAN, AUSA
Office of US Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

For the Defendant: CYNTHIA HUJAR ORR, ESQUIRE
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Leticia Ornelas Rangel, CSR

P-R-O-C-E-E-D-I-N-G-S

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2 THE COURT: Now proceeding to U.S. versus Raul
3 Gonzalez. 13-CR-785.

4 MR. LEACHMAN: Russell Leachman for the United
5 States, present, Your Honor.

6 THE COURT: Mr. Gonzalez, have you had an
7 opportunity to review the presentence report with your
8 lawyer?

9 DEFENDANT GONZALEZ: Yes.

10 THE COURT: Do you understand the contents of the
11 report?

12 DEFENDANT GONZALEZ: Yes.

13 THE COURT: Okay.

14 MR. LEACHMAN: May we approach on this one, Judge?

15 THE COURT: Yes, of course.

16 (Off-the-record; at sidebar.)

17 (End of sidebar.)

18 THE COURT: This is an 11(c)1(C) matter. The
19 guidelines as agreed-upon by the parties, are offense level
20 33, category one. The 11(c)1(C)agreement provides 54 months,
21 supervised release of five years to life. The agreement,
22 however, was five years. There will be no fine as -- rather,
23 there is a fine range of \$17,500 to 10,000 -- \$10 million.
24 Let me see the lawyers up here again, please.

25 (Off-the-record; at sidebar.)

1 (End of side-bar.)

2 THE COURT: Okay. The fine range is 17,500 to
3 \$10 million and a 100-dollar special assessment. The Court
4 is going to remove the two points, the gun count.

5 And are there any other matters, counselors, that
6 we need to consider before the imposition?

7 MS. HUGAR ORR: Your Honor, I just wanted my client
8 to hear that I had argued before Your Honor for voluntary
9 release.

10 THE COURT: Right, and the Court has considered
11 that and will reject that and deny that. And, however, you
12 can file a motion to reconsider, if you wish, if you want to
13 outline more specifically the issues, and then the
14 government -- I'll give them ten days to respond, if you file
15 a motion.

16 MS. HUGAR ORR: Thank you, Your Honor.

17 THE COURT: Mr. -- rather, let me ask the
18 prosecutor, any allocution?

19 MR. LEACHMAN: Nothing further, Judge, other than
20 to ask the Court to follow the terms in the plea agreement.

21 THE COURT: The agreement. Okay. Counselor, any
22 allocution on behalf your client?

23 MS. HUGAR ORR: Yes, Your Honor.

24 THE COURT: Or, Mr. Gonzalez, do you wish to say
25 anything?

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1 DEFENDANT GONZALEZ: I just offer my apologies to
2 you, to my family, to my children. I do wish to be a better
3 person. I just want to return to be by the side of the
4 people who love me. I have three daughters. One is 17 years
5 old, one is ten, and the little one is four.

6 THE COURT: All right.

7 DEFENDANT GONZALEZ: I'd offer my apologies in
8 general to everybody, and to this Court, and that's all.

9 THE COURT: Okay.

10 MS. HUGAR ORR: Your Honor, I misunderstood when
11 you asked me to allocute.

12 THE COURT: I'm sorry?

13 MS. HUGAR ORR: I misunderstood when you asked me
14 to allocute on behalf of my client.

15 THE COURT: Go ahead.

16 MS. HUGAR ORR: What I wanted to say is that my
17 client's family is here supporting him--

18 THE COURT: Yes.

19 MS. HUGAR ORR: -- his fiancee.

20 THE COURT: All right.

21 MS. HUGAR ORR: -- and his father and his sister
22 and brother, that he is a U.S. citizen, Your Honor, so
23 there's no concern about that. That he did accept
24 responsibility and plead guilty, and he has at no time
25 indicated to the government that he intended to go to trial.

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1 We ask you to accept the (c)1(C) and sentence him.

2 THE COURT: Okay.

3 MS. HUGAR ORR: And also he would request, as I
4 mentioned, designation to either Three Rivers or Seagoville,
5 Your Honor.

6 THE COURT: All right. Any legal reason I cannot
7 proceed, counselor?

8 MS. HUGAR ORR: No, Your Honor.

9 THE COURT: Okay. The Court having considered the
10 guidelines, finds them fair and consistent and -- rather,
11 consistent with the plea agreement in this matter, the Court
12 will impose a sentence of 54 months upon the defendant.
13 Supervised release will be five years to comply with all
14 conditions of supervision. There will be a fine of \$85,000,
15 a special assessment of \$100 due immediately. The defendant
16 does have the right to appeal this sentence, unless
17 previously waived. This document is sealed, available for
18 appellate review, if any. Anything else, counselor?

19 MS. HUGAR ORR: Nothing further, Your Honor.

20 MR. LEACHMAN: Just to reflect the forfeiture that
21 we discussed, Judge, and any interest that he might have in
22 the properties listed and in the \$120,000.

23 THE COURT: Is that agreed-upon, counsel?

24 MS. HUGAR ORR: Yes, Your Honor, but reflecting
25 that he has no interest in the properties, and that he would

1 say that and the government understands that.

2 THE COURT: Okay. Thank you. You're excused.

3 (Adjournment.)

1 UNITED STATES DISTRICT COURT)

2 WESTERN DISTRICT OF TEXAS)

3 I certify that the foregoing is a correct
4 transcript from the record of proceedings in the
5 above-entitled matter. I further certify that the transcript
6 fees and format comply with those prescribed by the Court and
7 the Judicial Conference of the United States.

8 Date signed: July 25, 2015.

9

10 /s/ Leticia Rangel

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